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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,972	04/13/2004	Stephen Charles Dutka	614602.9	3349
66666	7590	11/28/2007		
KUTAK ROCK, LLP 1801 CALIFORNIA STREET SUITE 3100 DENVER, CO 80202-2626			EXAMINER TSE, YOUNG TOI	
			ART UNIT 2611	PAPER NUMBER
			MAIL DATE 11/28/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.	Applicant(s)	
10/822,972	CHARLES DUTKA, STEPHEN	
Examiner	Art Unit	
YOUNG T. TSE	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 2 is/are allowed.
- 6) ☒ Claim(s) 3-13, 15 and 17-26 is/are rejected.
- 7) ☒ Claim(s) 7-8, 14 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20051011 and 20040727</u> .                                   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered. See paragraph [0008] of the specification.

### ***Drawings***

2. The drawings are objected to because the lines "362" and "364" connected between the load logic 202 and the shift registers 304 and 306 shown in Figure 3 fails to provide arrow flow and the arrow flow should be in the opposite direction, respectively, as described in paragraph [0048]. Further, in Figure 6, a reference sign "606" should be labeled in the "1" or "0" chip block, see paragraph [0072]. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the

appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities: In paragraph [0061], line 1, "305,306" should be "305, 307". In paragraph [0065] and [0066], the notation ":@" should be "=". Appropriate correction is required.

### ***Claim Objections***

4. Claims 4-26 are objected to because of the following informalities:

In line 1 of claims 4, 6-8 and 13-14, the word "further" should be deleted.

In claim 4, lines 8 and 11, "a logic 0 bit value" should be "a logic 1 bit value"; lines 8-9 and 10, "a logic 1 bit value" should be "a logic 0 bit value", see steps 620 and 622 of Figure 6; line 13, "logic" should be "logics"; and line 14, "registers" should be "the first and second registers".

In claim 5, line 2, "generator with" should be "generator of the plurality of Gold code generators with".

In claim 6, lines 3, 8 and 10, "let the", "then the" and "and the" should be "let", "then" and "and", respectively; lines 9 and 11-12, "∴=" should be "="; and last 2 line, " $(A_{i,N-1-j})$ " should be " $(A_{i,N-1-j} + 1, 2)$ ".

In claim 8, line 5, "the correct PN" should be "the correlated PN".

In claim 9, line 1, "Gold code" should be deleted.

In claim 11, line 3, "register" and "the generators" should be "registers" and "the plurality of Gold code generators", respectively.

In claim 13, lines 4-5, "the generator best correlated to the sequence of receiver chips" should be "a best correlated generator to the sequence of the received chips".

In claim 15, lines 1 and 2, "claim 9" and "each shift register" should be "claim 10" and "the first and second shift registers", respectively.

In claim 16, lines 3 and 5, "the generators" and "shift registers" should be "the plurality of Gold code generators" and "the shift registers", respectively.

In claim 17, line 7, "received information" should be "the received information".

In claim 19, "shift registers" should be "the shift registers".

In claim 22, line 1, "A system" should be "an apparatus" since a system in general comprises a transmitter and a receiver.

In claim 22 (line 1) and claims 23-26 (line 1), "system" should be "apparatus".

In claim 22, last line, "received" should be "the received".

In claim 24, line 2, "shift registers" should be "the shift registers".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 3-6, 10-12 and 17-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 3, 10, 19 and 24, "N" is undefined.

In claim 17 (line 7), claim 20 (line 2), claim 21 (line 2), claim 22 (line 8), claim 25 (line 3) and claim 26 (line 2), the terms "the best correlated PN code generator" and "the value pre-loaded" both lack antecedent basis.

Wherein claims 4-6 depend from claim 3 and claims 11-12 depend from claim 10.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 9, 13, 17, 21, 22 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Li et al, U.S. Publication No. 2002/0015437, hereinafter "Li".

Regarding claims 9, 13, 17, 21, 22 and 26, Li discloses a CDMA receiver in Figure 3 which comprises a plurality of Gold code generators in each or in a plurality of the joint detectors 36 operable substantially in parallel and a multiplexer 37 for selecting a correlated generator from the plurality of Gold code generators to use for decoding, for example, by the decoder 40 of received chips. Paragraph [0084] teaches that a 64-chip length signature-sequence can be generated from a PN-sequence generator or an extended Gold code generator. Also see paragraphs [0071] to [0074] and [0077].

Figure 6 shows the detailed embodiment of each of the plurality of the joint detector 36 of Figure 3. Also see paragraphs [0075] and [0076].

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 10-11, 15, 18-20 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al. as applied to claims 9, 17 and 22 in view of Park, U.S. Patent No. 6,542,478.

Li fails to show or suggest that each generator of the plurality of Gold code generators comprises a first shift register having N stages and a second shift register having N stages as recited in claim 10; the receiver further comprising a pre-loader coupled to the plurality of Gold code generators for pre-loading the first and second shift

register in each generator prior to operating the generators as recited in claims 11, 18 and 23; and wherein the plurality of Gold code generators comprises  $2^N$  Gold code generators where N is the number of stages in each shift register of each generator as recited in claims 15, 19-20 and 24-25.

Park discloses a plurality of Gold code generators, for example, shown in Figure 1B of one of the embodiments, comprises a first shift register 162 having N stages, a second shift register 166 having N stages, and a pre-loader 160 in each generator prior to operating the generators, and the plurality of Gold code generators comprises  $2^N$  Gold code generators where N is the number of stages in each shift register of each generator. Therefore, it would have been obvious to one of ordinary skill in the art to provide a first shift register having N stages, a second shift register having N stages, and a pre-loader in each generator prior to operating the generators into each of Li's Gold code generators as taught by Park in order to control the data bits of the PN sequences in each of the generators.

***Allowable Subject Matter***

11. Claims 1-2 are allowed.
12. Claims 4-8 would be allowable if rewritten or amended to overcome the objections set forth in this Office action.
13. Claims 3-6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.



14. Claims 12, 14 and 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph or objection(s), set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nagatani et al. relates to an m-bit shift register stores data to be sent that are generated by a data generator 1 bit at a time sequentially.

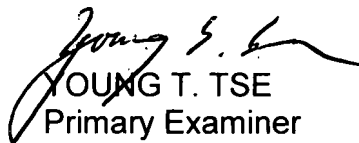
Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOUNG T. TSE whose telephone number is (571) 272-3051. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad H. Ghayour can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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YOUNG T. TSE  
Primary Examiner  
Art Unit 2611